



STATE OF TENNESSEE
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF WORKFORCE SERVICES
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Workforce Services Guidance - Electronic Case Files

Effective Date: January 11, 2019

Duration: June 30, 2020

Subject:

This document provides guidance for uniform, paperless documentation of participant files and includes instruction to protect customer information.

Purpose:

Standardized collection of participant information expedites participant eligibility determinations and allows One-Stop Centers to focus on providing services. This guidance provides instruction for the collection, dissemination, storage, and protection of information contained within digital files.

Scope:

Office of the Governor, Tennessee Department of Labor and Workforce Development (TDLWD); Division of Workforce Services (WFS); Tennessee Department of Economic and Community Development (ECD); Tennessee Department of Education (TNED); Tennessee Department of Human Services (DHS); State Workforce Development Board (SWDB); Title I – Adult, Dislocated Worker, and Youth Programs, Title II – Adult Education and Family Literacy Act Program(AE); Title III – Wagner-Peyser Act Program (WP); Title IV – Vocational Rehabilitation Program (VR); Regional Planning Council (RPC); Local Workforce Development Boards (LWDB); Local Workforce Development Areas (LWDA); American Job Center (AJC); One-Stop Operator (OSO); Workforce System Sub-Recipients (Sub-Recipients); Workforce System Partners (Partners)

Background:

This guidance originates from multiple regulations related to government agencies' transition from paper to digital files. Among these are: the E-Government Act of 2002, Government Paperwork Elimination Act of 1998, Paperwork Reduction Act of 1995, State of Tennessee's Paperwork Reduction and Simplification Act of 1976, and Tennessee Electronic Records Policy. Workforce Innovation and Opportunity Act (WIOA) Section 185 requires recipients of Title I funds to keep

records that are sufficient to prepare reports and permit the tracing of expenditures to adequately ensure that funds have not been spent unlawfully.

This guidance applies to electronic file storage and documentation imaging standards in the administration of the following Federal programs: WIOA, Wagner-Peyser (WP), Trade Adjustment Assistance (TAA), and related assistance programs. The Tennessee Department of Labor and Workforce Development (TDLWD)—along with numerous other state agencies—has transitioned to paperless record keeping by using an electronic document imaging and storage system.

To capitalize on the increased efficiency of data storage and retrieval, TDLWD revised the documentation process for determining eligibility and the maintenance of pertinent records. TDLWD elects to first utilize electronic documents and requires electronic verification of eligibility requirements. Jobs4TN allows internal and external access to provide all servicing partners the means to efficiently administer services to their participants.

I. Electronic Records:

The Jobs4TN system eliminates the need for paper applications for participant registration and ensures that all Local Workforce Development Boards (LWDBs) are using identical criteria to determine participant eligibility. Customers will receive the same high-quality, efficient service regardless of the local area in which they reside. In order to case manage participants, LWDBs and the American Job Center (AJC) System must use Jobs4TN to:

- Create participant applications
- Record provided services
- Upload supporting documentation to verify eligibility
- Provide case notes regarding interactions with participants

Local Workforce Development Areas (LWDAs) and AJCs shall establish procedures to ensure that the use of paperwork is reduced to a minimum¹. All forms currently used during an individual's registration within an AJC, specifically following the initial assessment to determine which services are applicable to the long-term success of a program participant, will be replaced by the use of Jobs4TN and its use must be adopted by all AJCs.

LWDBs should utilize the electronic registration whenever possible. The use of electronic records:

- Eliminates the need for storage areas and storage costs associated with paper files
- Saves supply costs and decreases paper waste
- Provides for an easily accessible, single-point of access for file review
- Reduces staff time accessing hard copy documentation
- Ensures more secure storage of sensitive information
- Eliminates lost or misfiled paper documents
- Increases the consistency of file documentation
- Ensures complete verification for program eligibility

The electronic information will be made available to any US Department of Labor or State auditor, or monitor who needs access in order to carry out their official duties. Information will be made available by granting full access to the VOS system or in paper format if requested.

¹ WIOA Section 308(c)(2)(F)(ii)

II. Fiscal-Related Documentation:

If the Fiscal Agent to the LWDB maintains records of participant related payments, it is not required to upload invoicing documentation into the Jobs4TN system. Any requirement to upload fiscal-related documentation would be at the LWDBs discretion; however, Jobs4TN is not intended to be the system of record for fiscal documentation.

It is required to link all participant-related payments and activities, by notating the invoice number or other specific identifier within the case notes, in the Jobs4TN for ease of reference during monitoring and review.

III. Medical Records:

Records containing identifiable health information—also known as protected health information (PHI) under the HIPAA Act of 1996—such as health status, provision of health care, or payment for health care should be maintained in a secure area and in paper format.

IV. Data Validation:

The State is required to establish procedures, consistent with the guidelines issued by the Secretaries of Labor and Education, to ensure the information contained in the WIOA federal reports is valid and reliable. Data validation is the process to review participant files for accuracy and compliance. Eligibility and verification documentation are reviewed during this process. Additionally, the State requires that the LWDA's use Jobs4TN to upload required participant documentation for data validation.

Data validation is an annual review of a sample of participants from the federal report. TDLWD staff will validate that the information recorded in the system on each participant is correct by verifying that supporting documentation is accurate and present within a participant's case file. This procedure eliminates the need for paper files to be provided by staff in the field, which allows the TDLWD to virtually validate supporting documentation. As of the effective date of this guidance, all documents should be uploaded into participant files as they are received by the case manager.

V. Deleting Images:

Staff be allowed to delete an image that has already been saved to an applicant's electronic file only under limited circumstances. The process to delete an already saved image should be performed by Central Office staff. The Program Integrity Unit reviews requests for deletion of documents and if determined appropriate, would delete the records from the individual's account. Requests for deletion should be addressed by email to the Program Integrity Unit.

VI. Record Maintenance:

Sub-recipients of funds shall keep records that are sufficient to permit the preparation of reports and to permit the tracing of funds to a level of expenditure adequate to ensure that the funds have not been spent on non-allowable activities². This guideline applies to both paper and digital records. Although digital files are intended to replace paper documents, records must be maintained in a manner that enables staff to produce a tangible, paper copy immediately upon request. Guidance on the required maintenance of records by recipients is provided in 29 CFR 38.43. Each grant

² WIOA Section 185(a)(1)

recipient must maintain the records required under WIOA for a period of not less than three (3) years from the close of the applicable program year³. Pursuant to Records Disposition Authorizations (RDAs) 1586 and 2207 from the State of Tennessee Comptroller of the Treasury, TDLWD requires the maintenance of records for a period of five (5) years.

VII. Confidentiality of Data or Information and Required Release Forms:

Data or information acquired by an agency under a confidentiality agreement, to be used exclusively for statistical purposes, shall not be disclosed by an agency in identifiable form for any use other than an exclusively statistical purpose. Use of this information is prohibited except with the informed consent of the respondent⁴.

VIII. Required Release Forms:

All LWDBs should have a release of information form signed and dated by the participant and the case manager. This form should state that the participant's information may be used for reporting purposes as a result of federal regulations associated with the benefit of federal funds, and that the participant's personal information will remain confidential. This may be used as a stand-alone form, or may be incorporated into other release forms used by the LWDBs. The release form will be uploaded into the participant file in VOS to validate that the participant agrees to the release of information for reporting purposes.

IX. Family Educational Rights and Privacy:

Educational records are covered under the Family Educational Rights and Privacy Act, enacted in 1974. This federal law protects the privacy of student education records. Under this law, students have the right to control disclosure of their education records. Student's education records may be disclosed only with the parent or student's prior written consent, unless⁵:

- The disclosure is to other school officials, including teachers, within the agency or institution whom the agency or institution has determined to have legitimate educational interests;
- A contractor, consultant, volunteer, or other party to whom an agency or institution has outsourced institutional services or functions may be considered a school official under this paragraph provided that the outside party:
 - Performs an institutional service or function for which the agency or institution would otherwise use employees;
 - Is under the direct control of the agency or institution with respect to the use and maintenance of education records; and
 - Is subject to the requirements of 34 CFR 99.33(a) governing the use and re-disclosure of personally identifiable information from education records;
- An educational agency or institution must use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interests. An educational agency or institution that does not use physical or technological access controls must ensure that its administrative policy for controlling access to education records is effective and that it remains in compliance with the legitimate educational interest requirement of this section.
- The disclosure is, subject to the requirements of 34 CFR 99.34, to officials of another school, school system, or institution of postsecondary education where the student seeks or intends to

³ 29 CFR 38.43

⁴ Public Law 107-347 Title V Section 512(b)(1)

⁵ 34 CFR 99.31

enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.

Participants who attend training through WIOA funded programs should sign and date a form authorizing the release of educational records in order to obtain information or copies of certifications or diplomas from educational institutions for data validation and reporting purposes.

X. Legal Status of Electronic Documents:


Electronic records submitted or maintained in accordance with procedures developed under this title, or electronic signatures or other forms of electronic authentication used in accordance with such procedures, shall not be denied legal effect, validity, or enforceability because such records are in electronic form⁶.

References:

29 CFR 38.43; 34 CFR 99.31; E-Government Act of 2002; Family Educational Rights and Privacy Act (20 U.S.C. 1232-g; 34 CFR Part 990); Government Paperwork Elimination Act of 1998; HIPM Act of 1996; Paperwork Reduction Act of 1995; Paperwork Reduction and Simplification Act of 1976; Public Law 105-277 Title XVII Section 1707; Tennessee Electronic Records Policy; Title V Section 512(b)(1) of Public Law 107-347; WIOA Section 185(a)(1); WIOA Section 308(c)(2)(F)(ii)

Contact:

For any questions related to this policy, please contact the Program Integrity Unit at Workforce.Board@tn.gov.



Kenyatta Lovett, Workforce Services Assistant Commissioner

Revised: February 4, 2020

⁶ Title XVII Section 1707 of Public Law 105-277